

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

LIGADO NETWORKS LLC,
Plaintiff-Respondent

v.

UNITED STATES,
Defendant-Petitioner

2025-120

On Petition for Permission to Appeal pursuant to 28 U.S.C. Section 1292(d) from the United States Court of Federal Claims in No. 1:23-cv-01797-EJD, Senior Judge Edward J. Damich.

ON PETITION

Before LOURIE, MAYER, and DYK, *Circuit Judges*.
DYK, *Circuit Judge*.

O R D E R

The United States petitions for permission to appeal the order of the United States Court of Federal Claims granting-in-part and denying-in-part its motion to dismiss Ligado Networks LLC's complaint. Ligado opposes the

petition and conditionally cross-petitions for permission to appeal.

Under 28 U.S.C. § 1292(d)(2), the Court of Federal Claims may certify that an order that is not otherwise appealable is one involving a controlling question of law as to which there is substantial ground for difference of opinion and for which an immediate appeal may materially advance the ultimate termination of the litigation. Ultimately, this court must exercise its own discretion in deciding whether to grant permission to appeal an interlocutory order. *See In re Convertible Rowing Exerciser Pat. Litig.*, 903 F.2d 822, 822 (Fed. Cir. 1990) (applying § 1292(b)). In this case, we conclude that interlocutory review is warranted.

Accordingly,

IT IS ORDERED THAT:

The government's petition for permission to appeal is granted and is transferred to the regular docket. The cross-petition is denied. The United States's opening brief will be due within 60 days from the date of that docketing.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

May 20, 2025
Date